

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**CIVIL REVISION PETITION No.2812 of 2015**

**ORDER:**

The petitioner herein is the plaintiff in O.S. No.3833/2009 on the file of the Court of the learned III Junior Civil Judge, City Civil Court, Hyderabad. The said suit was filed for permanent injunction against the respondent herein. He filed I.A.No.1439/2009 seeking temporary injunction against the respondent. The trial Court allowed the said application, by order dated 20.09.2010, by restricting the respondent from proceeding ahead with any type of construction changing the nature of property. Challenging the same, the respondent herein filed C.M.A. No.178/2010 before the Court of the learned III Additional Chief Judge (Fast Track Court) City Civil Court, Hyderabad. The said C.M.A. was allowed on 03.09.2014. Challenging the said order, the present Civil Revision Petition was filed.

This Civil Revision Petition was admitted on 31.07.2015 and interim suspension of the order in C.M.A. No.178/2010 was granted, and that order has been in operation till today.

Learned counsel for the respondent submits that the petitioner earlier filed O.S. No.6815/2005 against three defendants and showing the present respondent as defendant No.3 in the suit, but ultimately the case was not pursued against defendant No.3 and it was dismissed. The said suit was a suit for permanent injunction. He also submits that the petitioner was not having any possession of the property and if constructions are undertaken by the respondent, the petitioner is not going to lose anything.

On the other hand, the learned counsel for petitioner submits that though a portion of land was taken over by the G.H.M.C., the petitioner did not lose possession over the property.

A perusal of the order passed by the trial Court, which was set aside by the appellate Court, does not clearly indicate with regard to the person, who is in possession of the property as on today. The suit itself is for permanent injunction. If the physical features of the property are allowed to be changed pending disposal of the suit, serious prejudice would be caused to both the parties.

In the circumstances, *status quo* prevailing as on today shall continue with regard to the constructions on the suit schedule property, and the learned III Junior Civil Judge, City Civil Court, Hyderabad, shall dispose of the suit as expeditiously as possible, but not later than 30.09.2016.

At this stage, learned counsel for the respondent submits that no issue was framed with regard to maintainability of the suit against the present defendant in view of the dismissal of O.S. No.6815/2005.

The pleadings of the parties do not contain any averment with regard to disposal of O.S. No.6815/2005, as the said suit was disposed of only on 24.04.2013 when the present suit is pending. In the circumstances, the parties are given liberty to amend their pleadings and bring the subsequent facts to the notice of the lower Court, and the lower Court shall frame appropriate issues on the basis of the amended pleadings. The entire exercise of amending the pleadings shall be completed on or before 15.02.2016.

With the above observations, this Civil Revision Petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any, pending in this Civil Revision Petition shall stand closed.

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**A.RAMALINGESWARA RAO, J**

06.01.2016  
MVA